

April 1, 2019
COW2019000170

Loreno Tostado Garcia
via MuckRock News
Dept MR 68816
411A Highland Ave
Somerville, MA 02144-2516

Dear Loreno Tostado Garcia:

We received your request for information on February 14, 2019, relating to your Alien record.

The Freedom of Information Act (FOIA), 5 U.S.C. § 552, specifies certain requirements for an access request. One of these requirements is that the request must be made in accordance with the agency's published FOIA regulations. In the Department of Homeland Security (DHS) regulation, Title 6 C.F.R. § 5.3 *Requirements for Making A Request*; the procedures for requesting access to DHS records are outlined. See McDonnell v. U.S., 4 F.3d 1227, 1236 (3d Cir. 1993).

Because the records you seek are those of a personal nature, DHS' regulations require you to provide verification of identity and, if applicable, certification of agreement to release information to you from the records subject before a disclosure of information can be made. In accordance with 6 CFR § 5.21, verification of identity consists of a written statement from the records subject stating his/her full name, current address, and date and place of birth. Additionally, the subject of record must sign the written statement and the signature must either be notarized or signed under penalty of perjury. Although you are not required to use Form G-639 when submitting a FOIA request, a notarized signature in Part 4, 8.a. or a signature in Part 4, 8.b. under penalty of perjury would fulfill the signature requirement. Form G-28, *Notice of Entry of Appearance as Attorney or Accredited Representative*, (revised March 4, 2015), may be used to establish certification of agreement from the subject of record. Please note, however, that as of May 15, 2015, USCIS no longer accepts prior versions of the G-28 form. The requested information may also be provided on a separate sheet of paper as long as the subject of record signs the information provided and the signature is notarized or signed under penalty of perjury. Simply providing a copy of a birth certificate, driver's license, or alien card for the records subject will not fulfill this requirement.

Your case has been closed with no further action taken. If you wish to pursue this request, please provide the information described by the regulation cited above. The requirements of filing a FOIA or PA request are also available for your convenience on our website at www.uscis.gov.

You have the right to file an administrative appeal within 90 days of the date of this letter. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. You may file an administrative FOIA appeal to USCIS at: USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison, Jill Eggleston, for assistance at:

U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P. O. Box 648010
Lee's Summit, MO 64064-8010

Telephone: 1-800-375-5283

E-Mail: USCIS.FOIA@USCIS.DHS.GOV

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal Agencies. The OGIS does not have the authority to handle requests made under the Privacy Act of 1974. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001
Telephone: 202-741-5770
877-684-6448
Email: OGIS@NARA.GOV
Website: OGIS.ARCHIVES.GOV

Sincerely,

A handwritten signature in blue ink, appearing to read "Jill A. Eggleston". The signature is stylized with large loops and a long horizontal stroke at the end.

Jill A. Eggleston
Director, FOIA Operations